



STATE OF DELAWARE

**OFFICE OF THE GOVERNOR**

TATNALL BUILDING, SECOND FLOOR

**JOHN CARNEY**  
GOVERNOR

MARTIN LUTHER KING, JR. BOULEVARD SOUTH  
DOVER, DELAWARE 19901

PHONE: 302-744-4101  
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March 19, 2020

Delaware Child Care Providers

**Re: Child Care Guidance during COVID-19 State of Emergency response**

Dear Child Care Provider:

On March 12, 2020, Governor John Carney issued a State of Emergency in response to the novel COVID-19 public health threat. Subsequently, on March 19, 2020, Governor Carney issued [Executive Order 38](#), acknowledging the need to temporarily expand access to child care as well as delegate authority to the Department of Services for Children, Youth & Their Families to suspend or modify the state's child care rules and regulations as needed. Our goal is to continue to support the vital work of caring for and educating Delaware's children. The health and safety of our child care professionals, families and children remain our top priority.

As such, we are writing to provide updates and inform you of guidelines during the COVID-19 emergency. We are following the recommendations from the [Delaware Department of Public Health](#) and the [Center for Disease Control](#).

Attached to this letter you will find:

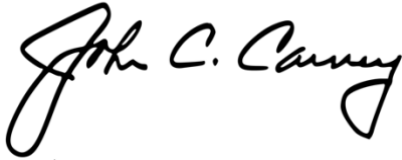
- Guidelines relating to child care program attendance, payment, and closure;
- Executive Order 38 to meet the child care needs of essential personnel and have the ability to adjust to changing child care trends;
- Executive Order 38 Guidelines indicating suspended and modified regulations;
  - Child care programs can choose to follow Executive Order 38 guidelines that suspend or modify existing particular DELACARE: Regulations for Early Care and Education and School-Age Centers and Regulations for Family and Large Family Child Care Homes. All other regulations remain in effect.
  - Delaware Stars verification visits have been suspended until further notice.

As decisions evolve as this unprecedented situation continues to unfold, you will receive:

- Ongoing communication including updates and guidelines to support your work with children and families
- Communications on any changes or suspensions to current DELACARE regulations and Executive Order 38 Guidelines to ensure the health and safety of children of all ages who need care due to the State of the Emergency.

We value your commitment to children and families during these uncertain times. Please visit [mychildde.org](http://mychildde.org) for the most updated information.

Sincerely,

A handwritten signature in black ink that reads "John C. Carney". The signature is fluid and cursive, with the first name being the most prominent.

John C. Carney  
Governor of Delaware

A handwritten signature in black ink that reads "Kara Odom Walker". The signature is cursive and somewhat stylized, with the last name being the most prominent.

Kara Odom Walker  
Secretary of Dept. of Health and Social Services

A handwritten signature in black ink that reads "Susan Bunting". The signature is cursive and somewhat stylized, with the first name being the most prominent.

Susan Bunting  
Secretary of Dept. of Education

A handwritten signature in black ink that reads "Josette Manning". The signature is cursive and somewhat stylized, with the first name being the most prominent.

Josette Manning  
Secretary of Dept. of Services for Children, Youth  
and Their Families

Enclosure(s)



STATE OF DELAWARE  
OFFICE OF THE GOVERNOR

## Answers and Guidance for Child Care Programs

*As of March 19, 2020*

### 1. What are the guidelines on closing child care programs?

A: Effective 8am on March 13, 2020, the Governor has [declared a State of Emergency](#). On March 14, 2020, [Delaware Public Health](#) published recommendations for child care programs. On March 15, 2020, the Governor provided [guidance to child care programs](#) that recommended that child care programs remain open.

### 2. Will the State continue to pay child care subsidy and tiered reimbursement to programs who have closed their programs due to COVID-19 transmission risk?

A: If a facility/location closure is mandated by the Governor to ensure the health and safety of children and professional staff and prevent the transmission of COVID-19, the State will pay child care programs their child care subsidy and tiered reimbursement payments based on enrollment.

### 3. Will I receive Purchase of Care if a child is absent due to the State of Emergency closures or illness?

A: Yes. The State will pay Purchase of Care based on enrollment, not attendance, until April 30, 2020. This replaces the current absence policy to allow payment to programs if children are absent due to COVID-19.

### 4. Will I receive Tiered Reimbursement if a child is absent due to the State of Emergency closures or illness?

A: Yes. The State will pay Delaware Stars tiered reimbursement dollars based on enrollment, not attendance, until April 30, 2020. This replaces the current absence policy to allow payment to programs if children are absent due to COVID-19.

### 5. How do I report my active staff roster, as required by the Governor, and when does it have to be submitted?

A: Purchase of care providers should submit their current, active staff rosters to the Division of Social Services via their provider resource mailbox: [DHSS\\_DSS\\_POC\\_Unit@delaware.gov](mailto:DHSS_DSS_POC_Unit@delaware.gov). Reports are covering which staff was active during the time periods of March 19-31<sup>st</sup>--due by March 31<sup>st</sup>; April 1<sup>st</sup>-15<sup>th</sup>—due by April 15<sup>th</sup>; and April 16<sup>th</sup>-30<sup>th</sup>—due by April 30<sup>th</sup>.

**6. Will the State suspend required redetermination practices for income-eligibility?**

**A:** The state will be delaying redeterminations for at least four months, so changes in income will not impact benefits during the four month period.

**7. How will the Executive Order impact my licensing regulations due to the current COVID-19 State of Emergency?**

**A:** Please follow the guidelines outlined for Executive Order 38 for Early Care and Education and School-Age Centers as well as Family and Large Family Child Care Homes communicated by the Department of Services for Children, Youth and Their Families and the Governor.

**8. How will the Executive Order affect my Stars standards and verification timeline in to the current COVID-19 State of Emergency?**

**A:** Delaware Stars verification visits have been suspended. Programs should follow all State guidance on licensing regulations as per Executive Order 38. Delaware Stars will communicate any changes to this policy.

**9. Should child care professionals still be conducting home visits?**

**A:** Home visits by child care professionals should be halted to reduce transmission risk.

**10. What guidance do I have for families and visitors entering my center or family child care?**

**A:** Please follow [CDC protection guidance](#), with recommendations below.

- Family visits to classrooms should be halted to reduce transmission risk. Interaction during drop off and pick up should be limited.
- If outside providers (such as Occupational Therapists) are still coming to the center, they should limit exposure to full classrooms and see children individually in a separate space.
- Coaches and voluntary professional development support by outside agencies should be halted. State coordinators and consultants, family service workers, Delaware Stars and Delaware Institute for Excellence Early Childhood professional development staff have been instructed to provide services remotely/virtually when possible.
- Volunteers should be halted, or if they are offering emergency supports, they should limit contact with children and adults.

**11. How can I keep informed on the evolving guidance for child care programs in the current COVID-19 State of Emergency?**

**A:** The State will continue to generate documents and guidance policies to give child care programs the most up-to-date information as possible. Guidance may change daily; thank you for reading all new information as this unprecedented situation unfolds.

Please visit [mychildde.org](http://mychildde.org) and [de.gov/coronavirus](http://de.gov/coronavirus) for the most updated information or email the Office of Early Learning at with questions at [early.learning@doe.k12.de.us](mailto:early.learning@doe.k12.de.us). Additionally, families or staff who need support can also call 2-1-1 to receive information about meals and other social services during this difficult time.

STATE OF DELAWARE



EXECUTIVE DEPARTMENT  
DOVER

**EXECUTIVE ORDER  
NUMBER THIRTY-EIGHT**

**TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES**  
**RE: AUTHORIZING STATE AGENCIES TO EXPAND ACCESS TO CHILD CARE**

**WHEREAS**, the Centers for Disease Control and Prevention has determined that a novel coronavirus ("COVID-19") presents a serious public health threat; and

**WHEREAS**, as of 8:00 a.m. E.S.T. on March 13, 2020, the Governor declared a State of Emergency due to the public health threat of COVID-19; and

**WHEREAS**, providers of health care, emergency medical services, law enforcement, and other essential state services may need child care services for their children when schools and/or child care centers are closed; and

**WHEREAS**, to expand the capacity for child care services, it will be necessary to suspend certain state child care regulations; and

**WHEREAS**, it is vital to protect the public health, welfare and safety of children and families to suspend the effect of state statutes, rules or regulations regarding the provision of child care services; and

**WHEREAS**, it is also necessary to control the occupancy and use of facilities and premises, and authorize the use of private property, to provide child care and other temporary accommodations for children while the state faces the public health threat caused by COVID-19; and

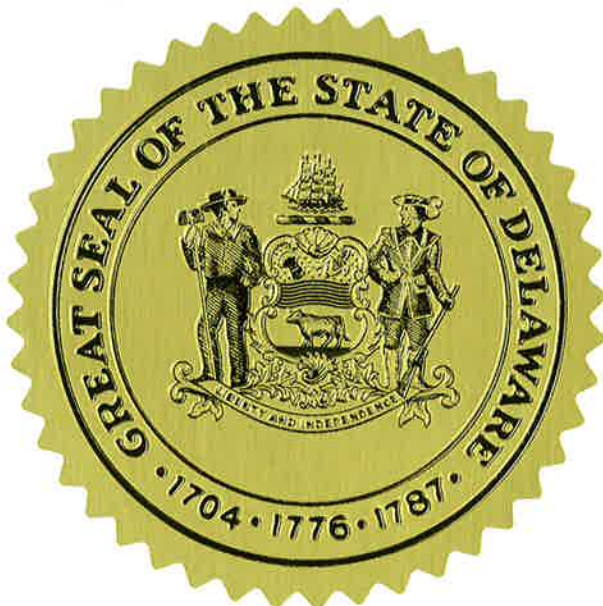
**WHEREAS**, in the interests of protecting the citizens of this state from the public health threat caused by COVID-19, the Governor is authorized to take such action as the Governor reasonably believes necessary to help maintain life, health, property or public peace in this state, including suspending the provisions of any state regulatory statute prescribing the procedures for licensing child care centers where strict compliance with the statute may hinder necessary action in coping with the public health threat caused by COVID-19.

**NOW, THEREFORE, I, JOHN C. CARNEY**, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby **DECLARE** and **ORDER** the following:

1. The Secretary of the Department of Services for Children, Youth & Their Families (DSCYF), in consultation with the Department of Health and Social Services' Division of Public Health (DPH), may, upon a finding that suspension or modification will not endanger the public health, safety, welfare, or public peace of this state, suspend or modify the effect of any or all of the provisions of the state's child care rules and regulations, prescribed by DSCYF's Office of Child Care Licensing (OCCL) for the following:
  - a. Operational requirements:
    - i. Licensing rules and regulations related to operational requirements, including the hours of care, the age of enrollment of children, staff/child ratio, and licensed capacity requirements for level I and level II licensees as set forth in OCCL's DELACARE Manual – Regulations for Family and Large Family Child Care Homes.
    - ii. Licensing rules and regulations related to operational requirements, including the hours of care, the age of enrollment of children, staff/child ratio and group size requirements as set forth in OCCL's DELACARE Manual – Regulations for Early Care and Education and School-Age Centers.
  - b. Licensee, family provider and staff requirements:
    - i. Licensing rules and regulations related to the licensee's or family provider's age or training requirements, and use of additional large family aides, large family assistants, adults, substitutes and adult/youth volunteers for level I and level II licensees as set forth in OCCL's DELACARE Manual – Regulations for Family and Large Family Child Care Homes.
    - ii. Licensing rules and regulations related to the licensee's age or training requirements, and use of additional early childhood or school-aged teachers, assistant teachers, interns, aides, and caregivers, or other adults, substitutes and youth/adult volunteers as set forth in OCCL's DELACARE Manual - Regulations for Early Care and Education and School-Age Centers.
  - c. Child Supervision during off-site visits, including field trips and outings:
    - i. Licensing rules and regulations related to off-site supervision rules for level I and level II licensees as set forth in OCCL's DELACARE Manual – Regulations for Family and Large Family Child Care Homes.
    - ii. Licensing rules and regulations related to off-site supervision rules as set forth in OCCL's DELACARE Manual - Regulations for Early Care and Education and School-Age Centers.
2. If after suspending or modifying the effect of any or all of the provisions within the regulations described in 1. above, the Secretary of DSCYF determines that there continues to be insufficient availability of child care in the state, the Secretary of DSCYF may, to increase capacity, and upon a finding that the suspension or modification will not endanger the public health, safety, welfare, or public peace of this state, further suspend or modify any regulations set forth in OCCL's DELACARE Manual – Regulations for Family and Large Family Child Care Homes, and any regulations set forth in OCCL's DELACARE Manual - Regulations for Early Care and Education and School-Age Centers.



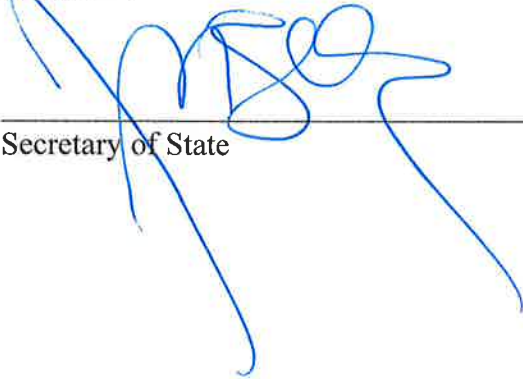
3. The Secretary of DSCYF shall issue guidelines to implement the suspension or modification of child care regulations.
4. To the extent necessary to allow for child care approved by the Secretary of DSCYF, and upon a finding that the suspension or modification will not endanger the public health, safety, welfare, or public peace of this state, any unit of state or local government shall, after consulting with the Secretary of DSCYF, suspend or modify the force and effect of statutes, rules or regulations that it administers or enforces relating to the following:
  - a. Zoning, so as to waive any required permits for the use of the land;
  - b. Building, use and occupancy permitting, so as to remove limits on the use of a building based upon a child's age;
  - c. Fire inspection;
  - d. CPR certifications;
  - e. State business license requirements;
  - f. Lead and radon inspection; and
  - g. Testing of water, sewers and sewage, drainage, sanitation, refuse disposal, or pollution on private property, including those administered by Department of Natural Resources and Environmental Control for septic systems, and Office of Drinking Water for well water.
5. The Secretary of DSCYF may suspend the effect of any statute, rule or regulation of any agency of the state or political subdivision to the extent necessary, and may, in consultation with other executive branch agency leaders, identify other state agency supports and staff to assist in providing sufficient availability of child care in the state that is not inconsistent with this Order.
6. This Order shall remain in effect until after the state of emergency has been rescinded, or until this Executive Order is rescinded, superseded, amended or revised by additional orders.



APPROVED this 19<sup>th</sup> day of March 2020.

  
John C. Carney  
Governor

ATTEST:

  
Secretary of State





*Engage families and communities to promote the safety and well-being of children through prevention, intervention, treatment and rehabilitative services.*

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March 19, 2020

Pursuant to Executive Order Number Thirty-Eight, the Department of Services for Children, Youth & Their Families (DSCYF) hereby issues the following guidance for child care providers licensed by the Office of Child Care Licensing (OCCL).

Executive Order Thirty-Eight gives the DSCYF Secretary the authority to suspend or modify any or all of the provisions of the state's child care rules and regulations, as well as any statute, as long as there is no threat to public safety or child welfare. DSCYF may work with entities to identify situations where license-exempt care could be provided in a manner that does not jeopardize the health and safety of children. For example, where care is provided on-site and a parent is readily accessible or a youth camp providing care only to school-age children.

Any entity seeking a license exemption must complete the License Exemption Application and submit it according to the instructions on the form. Additional information may be requested of the applicant. License Exemption Applications will not be approved or denied without consultation with the DSCYF Secretary.

DSCYF may also work with existing licensed providers to designate emergency child care sites for the children of health care workers, emergency medical services, law enforcement, or other essential state services, either in lieu of or in addition to the services currently being provided. The DSCYF Secretary may designate additional sites as needed to meet the demand of essential personnel. In addition to the suspended and modified regulations below, the DSCYF Secretary may suspend or modify additional regulations on a case-by-case basis when designating emergency child care sites.

DSCYF, through OCCL, may grant temporary variance requests that fall outside of the scope of the regulations cited below and that are based on factors that have arisen as a result of COVID-19 emergency. Providers should submit these requests according to the procedure outlined in the Delaware regulations.

The following sections of *"Delacare: Regulations for Early Care and Education and School-Age Centers"* are suspended and modified as indicated:

**Suspend 24.K.1(c) Staffing; Early Childhood Intern**

Guidance: Early Childhood Interns may provide care to children without supervision.

**Suspend 24.L.4 Staffing; Early Childhood Aide**

Guidance: Early Childhood Aides may provide care to children without supervision.

### **Suspend in part 25.B.5 Volunteers; Requirements for Volunteer Files**

Guidance: Volunteer files must only include:

- Copy of a driver's license or other valid form of state-issued picture identification;
- Volunteer start date and end date (as applicable);
- Comprehensive background check results, if available

Volunteers may count towards classroom ratios and group size, but must be supervised at all times unless they have undergone a comprehensive background check and been determined eligible by DSCYF's Criminal History Unit. Volunteer attendance must be tracked on the staff attendance sheet.

### **Suspend in part 24. Staff Qualifications**

Guidance: people who have been determined eligible to be employed by a child-serving entity as defined by 31 Del. C. sec. 309 may serve as staff members in a center on a temporary basis and provide care to children without supervision. Proof of eligibility must be maintained in the staff member's file and made available for OCCL's inspection. These temporary staff members do not have to demonstrate the supervised work experience or educational requirements in order to begin work. Temporary staff attendance must be tracked on the attendance sheet.

### **Suspend 39. Enrollment**

Guidance: if a licensee has been designated as an emergency child care site by the DSCYF Secretary, children may be enrolled over the licensed capacity as long as the required staff to child ratios and group size are maintained. Children may be enrolled on an expedited basis requiring only the information listed below.

### **Suspend in part 40.A. Child Files**

Guidance: upon enrollment, a child's file must include the Child Information Card (Child's name, date of birth, parent names and contact information, emergency contact information, and if applicable, the administration of medication release)

### **Suspend 41. Child Health Appraisal**

Guidance: a child health appraisal is not required upon enrollment, but the licensee should work with the child's family to obtain an up-to-date appraisal within a month of starting care.

### **Suspend 42. Documenting Children's Progress**

Guidance: licensees are not required to document a child's progress while in care on a temporary basis.

### **Suspend 71.F.1 Meals and Snacks**

Licensees shall, to the best of their ability, ensure that meals and snacks provided by the center follow the meal pattern requirements outlined in Appendix VI and Appendix VII in the Delacare Regulations.

### **As needed, suspend Part VII: Additional Provisions for School-age Only Centers**

It may be necessary for school-aged care to be provided during hours that are not typical for school-aged care.

The following sections of "*Delacare: Regulations for Family and Large Family Child Care Homes*" are suspended and modified as indicated:

**Suspend in part 22.A Children's Files**

Guidance: upon enrollment, a child's file must include the Child Information Card (Child's name, date of birth, parent names and contact information, emergency contact information, and if applicable, the administration of medication release)

**Suspend 23. Children's Health Appraisal**

Guidance: a child health appraisal is not required upon enrollment, but the licensee should work with the child's family to obtain an up-to-date appraisal within a month of starting care.

**Suspend 50.D.1 Meals and Snacks; meal pattern requirements**

Guidance: licensees shall, to the best of their ability, ensure that meals and snacks provided by the child care home follow the meal pattern requirements outlined in Appendix X and Appendix XI in the Delacare Regulations.